

ACHIEVING THE 2030 AGENDA THROUGH STRENGTHENING THE HUMAN RIGHTS DIMENSION

The Preamble of *Transforming our world: the 2030 Agenda for Sustainable Development* affirms that the 17 Sustainable Development Goals (SDGs) “seek to realize the human rights of all.”¹ In addition, paragraph 18 states: “we reaffirm our commitment to international law and emphasize that the Agenda is to be implemented in a manner that is consistent with the rights and obligations of states under international law.” As the body “responsible for the promotion and protection of all human rights around the globe,” the Human Rights Council (HRC) has a clear role to play in ensuring that the SDGs are implemented in keeping with those obligations.

In our message to the HRC inter-sessional meeting² we set out the overall human rights framework within which the 2030 agenda can be achieved. This note will be more specific on what we expect the HRC to do.

The discussions during the inter-sessional HRC meeting of 16 January made it clear that a greater emphasis on the human rights dimension is indispensable for realizing the 2030 agenda. A large number of interventions during the intersessional meeting provided recommendations as to how the human rights dimension of the 2030 agenda could be strengthened.

The intervention of Jeffrey Sacks showed that low-income countries do not have sufficient resources to finance the implementation of the SDGs. He estimated that about 400 billion USD per year will be needed to achieve the 2030 agenda, and that increased international solidarity – based on human rights - as well as progressive taxation will have to play an important role in that process.

Other interventions, such as from Mrs Robinson, also showed that low-income countries could use their own resources much better, and that participation of the population, and in particular of vulnerable groups, will be needed - in the design, implementation and follow-up of economic, social and environmental policies.

Finally, many observers commented on the fact that the existing human rights mechanisms could be used more intensively, in particular the UPR process, but also the Treaty Bodies and Special Procedures.

The reporting on SDG implementation takes place at the annual HLPF meetings. Many countries have already produced and presented Voluntary National Reports (VNR), based on guidelines from UN Development Group³, which does emphasize the principle of leaving no one behind. These guidelines do indeed provide support for human rights reporting, but the depth of that reporting needs to be strengthened. The aim of this note is not only to improve

¹ *Transforming our world: the 2030 Agenda for Sustainable Development*, Resolution adopted by the General Assembly on 25 September 2015, A/RES/70/1, 21 October 2015.

² Joint Oral Statement by the Global Initiative for Economic, Social and Cultural Rights, the Center for Economic and Social Rights, ATD Fourth World and Franciscans International

³ Guidelines to support country reporting on the Sustainable Development Goals (United Nations Development Group (UNDG, 2017)

the UN guidelines on country reporting on the SDGs⁴ on this aspect, but also to provide some recommendations as to how the existing human rights mechanisms can contribute to better SDG implementation.

OHCHR conceptualization of human rights indicators

The Office of the High Commissioner for Human Rights (OHCHR)⁵ has developed a framework for measuring the realization of human rights. The framework consists of three types of indicators:

- (i) **outcome indicators** measure the enjoyment of human rights (for example access to primary and secondary education);
- (ii) **process indicators** measure the efforts deployed by the government (the main duty bearer) to realize a particular human right, often reflected by specific government expenditure to realize that human right;
- (iii) **structural indicators** measure the existence of a legal human rights framework (that – amongst others - permits rights-holders to claim their rights) and a national implementation plan with corresponding time horizons.

Policies are also human rights-based, when they respect certain principles⁶. One such principle is the participation of people – including vulnerable groups - in the design of legislation, policies and programmes that affect them. Such participation is a key condition for successful sustainable development programmes. Participation can create a better understanding of development issues and potential solutions among professionals and institutions, and therefore make these programmes more effective. In addition, transparency and access to information are essential elements of accountability.

The OHCHR has produced – for a large number of civil, political, economic and social rights - illustrative tables that indicate a variety of possible structural, process and outcome indicators classified by 4-5 attributes that are linked to each individual human right. These human rights indicators are generally much more detailed than the SDG indicators.

Since the adoption of the 2030 agenda the OHCHR⁷ has also published a note on the human rights-based approach to data and data collection. The overall goal of leaving no one behind requires a data collection procedure that is properly disaggregated and that includes – amongst others - the participation of vulnerable groups in the design and choice of indicators. Finally, the OHCHR⁸ also produced a manual that explores the linkages between obligations under international human rights law and budget policies and processes.

⁴ Ibid

⁵ Human Rights indicators. A guide to measurement and implementation” (OHCHR, 2012).

⁶ The measure of progress. How human rights should inform the Sustainable Development Goals indicators Center for Economic and Social Rights (CESC, 2015)

⁷ A human rights-based approach to data. Leaving no one behind in the 2030 agenda for sustainable development (OHCHR, 2018)

⁸ Realizing human rights through government budgets (OHCHR, 2017)

Towards a human rights framework for SDG indicators

According to the Global Indicator Framework⁹, there are now 244 global indicators linked to the 169 targets. Many SDGs in the 2030 agenda are underpinned by human rights obligations. For example, the Danish Institute for Human Rights¹⁰ (DIHR, 2018) found that more than 90 % of the 169 SDG targets reflect core international human rights and labour standards.

About 40% of the SDG indicators are outcome indicators linked to persons or the population, which means that they can be used directly as part of a framework of human rights indicators. They often relate to economic and social rights. Other outcome indicators (about 20%) relate more to inputs and processes that would lead to greater enjoyment of human rights. They are often related to environmental rights, which cannot yet be framed in terms of individuals. Then about one-quarter relate to process indicators, which measure the effort or expenditure patterns. This means that the state budget must provide sufficient resources to implement a particular right, and that the State is held accountable for providing those resources. Unlike the OHCHR indicators, SDG indicators generally do not provide a direct link between government expenditure and the realization of a particular SDG goal or target. However, in some cases it may be difficult to provide that direct link, given the comprehensiveness of the SDG agenda and the interlinkages between the different dimensions of sustainable development. Finally the structural indicators (about 15 %) measure the legal and policy framework that should be present to realize particular SDGs.

Existing SDG indicators can be adapted and complemented to become human rights-indicators. One important way would be to provide estimates of needed government expenditure – in particular for low-income countries - to achieve the main SDGs, such as social protection (floors), health and education. These estimates should be provided not only for the next few years, but until 2030. Countries – and especially low-income countries - should also provide estimates of government expenditure that they will be able to afford until 2030. The gap between the two estimates would then provide a first outline of the international support needed for those countries.

Under ideal circumstances rich countries' aid money would be put in a large fund that would give annual budget support to low-income countries to reach the human rights-based SDGs by 2030. Every year the performance of low-income countries would be monitored and new instalments would be given if good performance were achieved. This monitoring process is necessary, because otherwise governments would be able to deflect the budget support to other government sectors, including defence.

We would also like the HRC to speak out against increasing inequality (SDG10) in their report to the HLPF this year. According to a recent OXFAM report¹¹, governments are exacerbating inequality by underfunding public services. They have reduced taxes on

⁹ Global indicator framework for the Sustainable Development goals and targets of the 2030 Agenda for Sustainable Development (Document A/RES/71/313; E/CN.3/2018/2)

¹⁰ Human Rights and the 2030 agenda for sustainable development. Lessons learnt and next steps” (DIHR, Copenhagen, 2018).

¹¹ Public good or private wealth (Oxfam, 2019, at the occasion of the World Economic Forum in Davos)

corporations and wealthy individuals. They need to put in place and expand globally coordinated – and possibly implemented - tax systems, such as the Financial Transaction Tax (FTT) and the Financial Activities Tax (FAT). Such coordination would also result in fair and consistent taxation of corporations as well as of wealthy individuals through progressive income, wealth and inheritance taxes.

The role of UPR, Treaty Bodies and Special Procedures

Many interventions during the intersessional meeting proposed an increased role for the Universal Periodic Review procedure to improve SDG implementation. The UPR process covers all civil, political, economic, social and cultural rights, and the breadth of reporting almost matches that of the 2030 agenda. Within the HRC context various countries have also proposed to use the third round of the UPR process to improve SDG implementation.

One way forward would be – within the UPR questionnaire - to ask more specific questions on the human rights dimension of SDG implementation. The OHCHR secretariat also provides a background report on each country that is to participate in the UPR process. The framework for that report could be expanded so as to include the human rights dimension of SDG implementation.

A variety of Treaty Bodies have already started to monitor certain aspects of SDG implementation. Some have also started to formulate a general comment on that subject, and the CESCR is currently preparing such a document. Would it be possible for the Treaty Bodies or for the OHCHR to summarize the comments on SDG implementation that will be discussed that year in the HLPF?

Under the Special Procedures, the rapporteurs have a wealth of information on the implementation of the 2030 agenda. Would it be possible for the rapporteurs to write a background note on the human right (and corresponding SDG) that they are responsible for? For example, would the special rapporteur on the right to education be able to write a note on SDG4 implementation for the HLPF session in July 2019? That note would then be included and/or annexed to the HRC report to the HLPF.

Many countries have trouble conceptualizing and reporting on the human rights dimension of the 2030 agenda. One proposal would therefore be to encourage some special rapporteurs to undertake one (or a few) joint comprehensive country HR missions and report(s) on SDG implementation. That would give countries an idea on what a comprehensive SDG programme based on human rights would look like.

What do we expect from the Human Rights Council?

There are various ways in which the HRC can strengthen the implementation of the human rights dimension of the 2030 agenda. An important vehicle will be the annual report to the HLPF with recommendations including as to how to improve and deepen the reporting through VNRs. The HRC and the High Commissioner could also take initiatives to work together with other UN agencies to increase resources for low-income countries and encourage global action on development aid and tax justice policies.

In sum, we recommend the following five actions from the HRC. Civil society organizations, especially those representing vulnerable and marginalized groups, should be able to effectively participate in the design and implementation of these actions.

1. A recommendation to the OHCHR for the production of a new publication on how the human rights indicators framework can be adapted to and complement the SDG indicator framework.
2. Guidelines for countries to report on the human rights dimension of the implementation of the 2030 agenda, within the context of VNR and the UPR process.
3. An annual report on the human rights implementation of the SDGs that are discussed at the HLPF meeting of that year. That report should – amongst others - be based on findings from the UPR process, as well as from the Treaty Bodies and Special Procedures.
4. The organization of one or more country missions by a team of special rapporteurs on the human rights implementation of the 2030 agenda.
5. Encouragement of global initiatives to provide more resources for low-income countries to implement the 2030 agenda.

WvG-JN-ER/23.1.2019

Contact person:

Wouter van Ginneken

International Delegation to the UN in Geneva

International Movement ATD Fourth World

www.atd-fourthworld.org

E-mail : van.ginn@orange.fr